

REMARKS

Status of Claims

Claims 1 and 6-11 are pending, with claim 1 being independent.

Claim 1 has been amended to incorporate the subject matter of claims 4 and 5 and additional subject matter. Claims 4 and 5 have been cancelled. Claim 11 has been added, which is supported, for example, by FIG. 2 and page 5, lines 1-6 of the specification.

Since no new matter has been introduced, entry of this amendment is respectfully solicited.

Claim Rejection – 35 U.S.C. § 102

Claims 1 and 6-7 were rejected under 35 U.S.C. § 102(b) as being anticipated by Svendsen et al. (USP 6,402,484). This rejection is traversed for at least the following reasons.

Since claim 1 has been amended to incorporate the subject matter of original claims 4 and 5, which is not disclosed by Svendsen, claim 1 or any claim dependent thereon is not anticipated by Svendsen. Thus, it is respectfully requested that the Examiner withdraw the rejection of claims 1 and 6-7 under 35 U.S.C. § 102(b).

Claim Rejections – 35 U.S.C. § 103

Claims 4 and 5 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Svendsen in view of Kubota (USP Publication WO 02/44565). Claims 8 and 9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Svendsen in view of Outzen (USP 4,759,693). Claim 9 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Svendsen in view of Alfano et al. (USP 5,487,648). These rejections are traversed for at least the following reasons.

Applicants respectfully submit that, at a minimum, none of the cited references discloses or suggests that “*an oil hole is disposed at the bottom of the suction muffler and above the seal portion so that oil stored at the bottom of the suction muffler drips from the oil hole onto the seal portion, thereby sealing the seal portion,*” as recited by amended claim 1. In claim 1, the oil hole is disposed above the seal position formed by fitting the flange into the groove so that oil stored at the bottom of the suction muffler drips from the oil hole onto the seal portion, thereby sealing the seal portion.

In rejecting original claim 4, the Examiner asserts that Kubota discloses oil hole 60 at FIG. 5B. Applicants disagree. First, hole 60 of Kubota is not an oil hole but a communicating hole to stable a noise-attenuating effect (see, paragraph [0050] of Kubota). Kubota does not expressly disclose that oil drips from the hole 60. Second, even if, *arguendo*, oil dripped from the hole 60, the oil would not drip onto the seal portion thereby sealing the seal portion, when combined with Svendsen. As shown in FIG. 5A, the hole 60 is provided below the upper portion of wall 54. Thus, if *arguendo*, Kubota was combined with Svendsen, which allegedly discloses the flange and the groove (i.e., the sealing portion), the oil hole would be located below the alleged flange, because the flange must be located above the wall 54 to function as a flange (i.e., a seal portion).

As such, it is clear that the combination of Svendsen and Kubota does not render claim 1 or any claim dependent thereon obvious. Further, the remaining cited references do not cure the deficiency of Svendsen and Kubota, and it would not have been obvious to add this feature to any combination of the cited references. Accordingly, Applicants respectfully submit that claim 1 and all claims dependent thereon are patentable over the cited references. Thus, it is respectfully requested that the Examiner withdraw the rejection under 35 U.S.C. § 103(a).

CONCLUSION

Having fully responded to all matters raised in the Office Action, Applicants submit that all claims are in condition for allowance, an indication for which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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